



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kimihiro MAEMURA

Group Art Unit: 2818

Application No.: 10/782,975

Examiner: M. Tran

Filed: February 23, 2004

Docket No.: 118807

For: NONVOLATILE SEMICONDUCTOR MEMORY DEVICE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 26, 2005 Office Action, reconsideration of the objection and rejection is respectfully requested in light of the following remarks.

Claims 1-5 are pending in this application.

The Office Action (1) rejects claims 1-5¹ under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent Publication 2004/0229407 (Owa); and rejects claims 1-5 under 35 U.S.C. §102(e) over Owa. These rejections are respectfully traversed.

A Terminal Disclaimer is submitted to overcome the rejection of the claims under the judicially created doctrine of obviousness-type double patenting.

¹ The Office Action states that claim 1-12, 15-16, 18-21 and 23-25 are rejected; however, because only claims 1-5 are currently pending, Applicant assumes the Office Action is referring to claims 1-5 and not claims 1-12, 15, 16, 18-21 and 23-25.

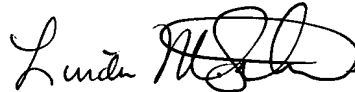
Further, Owa does not qualify as prior art against this application under 35 U.S.C. §102(e) because Owa and the present application were filed in the United States on the same day.

Thus, Applicant submits the rejections of the claims are overcome. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/eks

Attachment:
Terminal Disclaimer

Date: November 23, 2005

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